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Exhibit 1
(Redacted)

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1	Q. In paragraph 15 of your declaration you have	20:51:46
2	the text of Claim 1, correct?	20:51:51
3	A. Yes.	20:51:54
4	Q. Is there anything in Claim 1 that specifies	20:51:57
5	how one would use the Downloadable ID that	20:51:59
6	is generated in a computer security system?	20:52:03
7	MS. HEDVAT: Objection, form.	20:52:07
8	A. I'd say this claim element or this claim	20:52:25
9	here is focused on the method for generating	20:52:29
10	the Downloadable ID and describes it as	20:52:32
11	being used to identify a Downloadable.	20:52:36
12	Q. So there's nothing in the claim that	20:52:39
13	describes how you would use it to protect a	20:52:41
14	computer network, correct?	20:52:43
15	MS. HEDVAT: Objection, form.	20:52:46
16	A. Again, I would say that this claim is	20:52:48
17	focused on using the Downloadable ID to	20:52:51
18	identify a Downloadable. In particular,	20:52:54
19	there may be a variety of ways that	20:52:56
20	identifying the Downloadable would be used	20:52:58
21	to enhance security.	20:53:01
22	Q. But the uses for enhancing security aren't	20:53:03
23	recited in the claim, correct?	20:53:05
24	MS. HEDVAT: Objection, form.	20:53:08
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1	A. Yes.	21:03:46
2	Q. And that hashing function existed well	21:03:47
3	before the '780 Patent as well, correct?	21:03:50
4	MS. HEDVAT: Objection, form.	21:03:53
5	A. I would have to say that I would have to go	21:03:55
6	back and look up the dates but I believe	21:03:57
7	that might be true.	21:03:59
8	Q. Within the context of Claim 1 of the '780	21:04:00
9	Patent, is it limited to any particular	21:04:14
10	hashing function?	21:04:16
11	MS. HEDVAT: Objection, form.	21:04:18
12	A. Again, when we discuss limitations, I'm	21:04:19
13	aware that sounds more like validity	21:04:38
14	invalidity issues than infringement issues.	21:04:40
15	I've been focused on infringement issues,	21:04:43
16	like the hash functions that were being used	21:04:49
17	in the context as you've pointed out. Hash	21:04:51
18	functions like MD5 and SHA-256 that arise in	21:04:55
19	my report are known hash functions. I	21:04:59
20	don't -- again, I haven't considered what	21:05:05
21	would require some sort of specific	21:05:07
22	limitations on the possible range of hashing	21:05:09
23	functions. That would be something I'd have	21:05:12
24	to think more about.	21:05:17
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1	A. I don't believe it lists out specific	20:53:14
2	requirements regarding how it is used.	20:53:17
3	Q. So, for example, there's nothing in Claim 1	20:53:22
4	that recites the step of blocking a file	20:53:24
5	based on the Downloadable ID, correct?	20:53:27
6	MS. HEDVAT: Objection, form.	20:53:30
7	A. I would say that I don't see language in the	20:53:31
8	claim that specifically discusses blocking a	20:53:35
9	file.	20:53:38
10	Q. Is there anything in Claim 1 that limits the	20:53:40
11	method to network security applications as	20:53:47
12	opposed to, say, file management?	20:53:50
13	MS. HEDVAT: Objection, form.	20:53:54
14	A. Again, that may be a legal question. I'd	20:53:55
15	have to say I have to think about that	20:54:02
16	issue. Again, I was looking for	20:54:04
17	infringement within the context of a network	20:54:09
18	security system, which is again what's	20:54:12
19	described by the patent. I'd say I was	20:54:15
20	focused on that issue. Again, I'd have to	20:54:18
21	understand the -- that is a legal question.	20:54:26
22	Q. As one skilled in the art reading it, the	20:54:29
23	plain meaning of the claim which you've	20:54:33
24	applied to Juniper's products, do you see	20:54:35
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1	analysis, did you have an understanding as	21:08:55
2	to whether Claim 1 requires that you fetch	21:09:01
3	the software components identified by the	21:09:06
4	one or more references before you perform a	21:09:09
5	hashing function?	21:09:13
6	MS. HEDVAT: Objection, form.	21:09:15
7	A. I think the claim language says that you	21:09:26
8	perform a hashing function on the	21:09:29
9	Downloadable and the fetch software	21:09:30
10	components to generate a Downloadable ID.	21:09:33
11	So that was the phrasing and understanding	21:09:42
12	used in my analysis. There are certainly	21:09:45
13	ways that you could perform a hashing	21:09:49
14	function on the Downloadable and the fetch	21:09:51
15	software components that would have	21:09:55
16	different tempo considerations depending on	21:09:57
17	the structure of the hashing function and	21:10:01
18	the timing of the system.	21:10:03
19	Q. So when you were performing your	21:10:09
20	infringement analysis, was it your	21:10:11
21	understanding that a system that started	21:10:12
22	performing a hashing function before it	21:10:15
23	completed the fetching element could	21:10:17
24	infringe?	21:10:20
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1 MS. HEDVAT: Objection, form. 21:10:23
 2 A. Certainly you were required to perform the 21:10:28
 3 hashing function on the Downloadable and the 21:10:32
 4 fetch software components to generate the 21:10:36
 5 Downloadable ID. The actual timing of when 21:10:38
 6 various parts of that operation may occur I 21:10:43
 7 don't believe is specified or a requirement 21:10:48
 8 in the claim. 21:10:50
 9 Q. Is there anything in Claim 1 that recites a 21:11:02
 10 requirement that you have to store the 21:11:06
 11 Downloadable ID? 21:11:07
 12 A. Do you mind if I look at the patent? 21:11:08
 13 Q. Sure. 21:12:10
 14 (US Patent No. 6,804,780 marked 21:12:10
 15 Exhibit No. 1038 for Identification.) 21:12:36
 16 Q. The patent's been marked as Exhibit 1038. 21:12:36
 17 A. I'd say that may be a legal question. I 21:13:50
 18 don't see any specific language in the claim 21:13:54
 19 as I look at now referring to restoring, 21:13:58
 20 but, again, when I was looking from the 21:14:05
 21 aspect of infringement, as I believe I 21:14:08
 22 mentioned in the declaration, in this case 21:14:11
 23 the Downloadable ID is stored and typically 21:14:15
 24 that would be a use you would generate the 21:14:21

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1 Claims 1 and 9 of the '780 Patent". Do you 21:23:42
 2 see that? 21:23:46
 3 A. Yes. 21:23:46
 4 Q. Do you have an opinion as to whether the SRX 21:23:47
 5 product alone infringes the '780 Patent? 21:23:52
 6 A. I would say I don't believe I've offered 21:23:56
 7 such an opinion. My understanding was that 21:24:03
 8 this declaration is focused on the issue of 21:24:09
 9 summary judgement and, as such, I was 21:24:14
 10 focused on infringement in that context. My 21:24:20
 11 understanding is that, assuming the case 21:24:28
 12 continues forward, I will later be able to 21:24:34
 13 provide a report of my opinions that might 21:24:36
 14 include additional or further infringement 21:24:39
 15 scenarios, and I would expect to do that in 21:24:41
 16 the future. 21:24:45
 17 Q. You understand that -- strike that. 21:24:45
 18 Do you understand that Juniper has 21:24:49
 19 moved for summary judgement that the SRX 21:24:50
 20 products alone do not infringe the '780 21:24:53
 21 Patent? 21:24:56
 22 A. Again, you'd have to show me the document. 21:24:56
 23 My understanding, working with the 21:25:10
 24 attorneys, was that I was going to present 21:25:12

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1 Downloadable ID and store it for later use, 21:14:25
 2 but I don't see any specific language. 21:14:33
 3 Whether that was implicit might be a legal 21:14:38
 4 question but I don't think it would affect 21:14:40
 5 my legal analysis since it's stored in this 21:14:42
 6 case. 21:14:45
 7 Q. Prior to the '780 Patent it was known you 21:14:49
 8 could hash an executable file, correct? 21:14:52
 9 MS. HEDVAT: Objection, form. 21:14:54
 10 A. I'd say generally it was known that you 21:14:55
 11 could hash data in various forms which would 21:14:58
 12 include potentially a single executable 21:15:04
 13 file. 21:15:07
 14 Q. Is it fair to say that prior to the '780 21:15:16
 15 Patent one method of virus detection was to 21:15:19
 16 hash the file and compare the hash to a list 21:15:22
 17 of known hashes that were malware? 21:15:25
 18 MS. HEDVAT: Objection, form. 21:15:27
 19 A. So I'd say that may have been an approach 21:15:28
 20 used for malware detection. I would say the 21:15:54
 21 exact timing of when the hashing of single 21:16:29
 22 files for any sort of malware detection when 21:16:35
 23 that started, I'd have to go back and look 21:16:41
 24 specifically. Again, that's different than 21:16:44

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1 Q. Would an executable file be an executable 21:56:27
 2 application program? 21:56:30
 3 A. So I would say I haven't considered all 21:56:35
 4 situations. I would say generally no, but 21:56:40
 5 you would have to be careful or consider the 21:56:44
 6 context. For instance, if the text file 21:56:49
 7 contained a C program, for instance, say it 21:56:52
 8 wrote in the C language and that text file 21:57:01
 9 was meant to be interpreted by something 21:57:03
 10 that would then run the corresponding 21:57:07
 11 sealing which file it may be possible, so 21:57:10
 12 I'd say typically a text file would not but 21:57:16
 13 because text files contain programming 21:57:19
 14 language code, you might have to look at the 21:57:22
 15 context specifically. 21:57:26
 16 Q. Would a ZIP file be an executable 21:57:27
 17 application program? 21:57:29
 18 A. I think it would have the same 21:57:30
 19 understanding. I would say you might 21:57:38
 20 typically say no but it would depend on the 21:57:45
 21 setting or the context. So, for example, 21:57:48
 22 JAR files, which is something that contains 21:57:51
 23 Java code constructs, are really just 21:57:57
 24 constructed as ZIP files and are then run on 21:58:01


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1	computers. So like a JAR file could be	21:58:05
2	considered a ZIP file that would be a	21:58:09
3	Downloadable, for instance, in context.	21:58:12
4	Q. So using your example of JAR files, is the	21:58:15
5	JAR file itself actually run on a computer	21:58:19
6	or are the files that are contained within	21:58:21
7	the JAR file run on the computer?	21:58:24
8	A. So, again, in a typical instance it would be	21:58:26
9	within the JAR file. It would contain	21:58:34
10	potentially a Downloadable and corresponding	21:58:42
11	components with the Downloadable. Again, I	21:58:44
12	think my example is just to point out that	21:58:47
13	it can depend on the context in general,	21:58:51
14	what you consider to be a Downloadable,	21:58:56
15	simply because in computer systems the	21:59:00
16	differentiation between data and actual	21:59:03
17	computer code are executable instructions	21:59:07
18	which depend on the context but, again, as I	21:59:11
19	said, ZIP files would typically not be	21:59:13
20	Downloadables but there are contexts where	21:59:16
21	you could consider.	21:59:19
22	Q. So in this example, the types of files we're	21:59:20
23	talking about are archived files, correct?	21:59:24
24	A. ZIP files are sometimes referred to as a	21:59:27

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1	care in that a text file could conceivably	22:10:15
2	contain computer code so there may be	22:10:18
3	context where if the text file can be used	22:10:21
4	or treated as an executable application that	22:10:24
5	you may have to be aware of it, but in a	22:10:28
6	typical instance or setting, you would not	22:10:31
7	necessarily think of a text file as a	22:10:36
8	Downloadable.	22:10:38
9	Q. Can you think of any other types of files	22:10:39
10	that do not provide instructions to a	22:10:41
11	computer?	22:10:44
12	A. Something typically that I think of? Files.	22:11:10
13	They're either text files or they're	22:11:14
14	associated with a program or a binary	22:11:16
15	themselves. So I'm trying to expand or go	22:11:19
16	through the list of sorts of files that	22:11:23
17	would not be considered one of those two	22:11:31
18	things.	22:11:33
19	I think there are variations on text	22:11:38
20	files. For instance, you can look at	22:11:40
21	compressed forms of text files, such as JSON	22:11:43
22	files which would fall into sort of the same	22:11:49
23	class. I'd say also, depending on the	22:11:52
24	context, there would be various sorts of	22:11:58

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1	as being Downloadables in that they provide	22:08:52
2	instructions to the computers and some of	22:08:57
3	those instructions may be -- may yield a	22:08:59
4	threat that we don't understand in advance.	22:09:06
5	Q. Is there any type of file that does not	22:09:10
6	provide instructions to the computer?	22:09:12
7	MS. HEDVAT: Objection, form.	22:09:16
8	A. Yes. I would say in various contexts you	22:09:17
9	would think of documents that do not provide	22:09:25
10	instructions to the computer.	22:09:29
11	Q. Like what?	22:09:30
12	A. So, again, I think we've talked about	22:09:31
13	contexts where you would not think of text	22:09:35
14	files as providing instructions. You may	22:09:38
15	have to take care in other situations where	22:09:45
16	they might lead to executable instructions	22:09:49
17	that you'd have to be aware of them, but	22:09:50
18	they're definitely context or situations	22:09:54
19	where I don't think you'd view text files as	22:09:56
20	threats or as possible executables.	22:09:59
21	Q. So would a text file be a Downloadable	22:10:01
22	within the meaning of Claim 1?	22:10:05
23	A. As I answered before, I would say typically	22:10:07
24	no, although again you may have to have some	22:10:11

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1	data files where, again, typically you might	22:12:00
2	not consider them executables so they would	22:12:07
3	not be Downloadables, although I'd provide	22:12:11
4	the same caveat I provide with text files	22:12:17
5	which is that the separation between data	22:12:20
6	and instructions in computer systems is a	22:12:23
7	tentative one that can depend on context.	22:12:32
8	Q. Can you think of any type of file that would	22:12:35
9	never be considered a Downloadable?	22:12:37
10	MS. HEDVAT: Objection, form.	22:12:39
11	A. I would say that's context dependent.	22:12:40
12	Again, in most instances there are various	22:12:49
13	forms of text files or other data files that	22:12:51
14	might have, for instance, a different	22:12:54
15	extension but would correspond to data files	22:12:56
16	that might contain text or binary	22:13:03
17	information that you would typically not	22:13:06
18	consider to be Downloadables. As always,	22:13:08
19	you need to consider or examine the context	22:13:13
20	to see how they might be being used.	22:13:16
21	Q. So I'm just trying to figure out whether	22:13:22
22	there's anything -- regardless of context,	22:13:24
23	right, is there anything that you're willing	22:13:26
24	to say would never be a Downloadable? Any	22:13:28

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1 type of file? 22:13:31
 2 MS. HEDVAT: Objection, form. 22:13:32
 3 A. I would say I haven't considered that 22:13:32
 4 question carefully and the reason, as a 22:13:35
 5 professor of computer science, I'm very 22:13:40
 6 loathe to make such a universal statement, 22:13:42
 7 is one of the key points in computer science 22:13:46
 8 is that the line between data and 22:13:50
 9 instructions precisely can be blurry and 22:13:53
 10 context dependent. Again, examining a 22:14:00
 11 particular system I may be able to look at 22:14:11
 12 it and say, yes, this is not a Downloadable 22:14:14
 13 in the context of this system. Trying to 22:14:17
 14 universalize is kind of dangerous or 22:14:26
 15 concerning in security scenarios and so when 22:14:30
 16 you're trying to say can I remove the 22:14:33
 17 context, I feel uncomfortable doing that. 22:14:35
 18 Q. It's your opinion that the term 22:14:38
 19 "Downloadable" includes executable files or 22:14:41
 20 exe files, correct? 22:14:46
 21 A. I think you said executable files or exe 22:14:48
 22 files and I think you're sort of using 22:14:56
 23 executable in two different ways. 22:14:58
 24 Q. Sure. I'm trying to say .exe files. It's 22:15:00

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1 justify the question. 22:16:26
 2 Q. Some type of executable file existed when 22:16:27
 3 you were in school, correct? 22:16:30
 4 MS. HEDVAT: Objection, form. 22:16:31
 5 A. I'd say some type of -- there were files 22:16:32
 6 that would execute and that they would 22:16:36
 7 contain computer instructions and run on a 22:16:38
 8 computer even when I was a kid. 22:16:41
 9 Q. And you could download those from the 22:16:42
 10 internet, correct? 22:16:45
 11 MS. HEDVAT: Objection, form. 22:16:46
 12 A. At some point, yes. 22:16:46
 13 Q. At the time you were in school? 22:16:53
 14 A. Yes. I believe so, that you could download 22:16:54
 15 programs from the internet. 22:17:10
 16 Q. When did you graduate? 22:17:12
 17 A. Graduated college in '91. 22:17:13
 18 Q. Is an HTML file a Downloadable? 22:17:15
 19 A. Yes. 22:17:40
 20 Q. Even if it doesn't contain script? 22:17:44
 21 A. Again, I would say yes, there are instances 22:17:47
 22 certainly where it would not contain what 22:17:54
 23 you would call -- I'm assuming you're 22:17:56
 24 referring to script tags that would be used 22:18:00

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1 your opinion Downloadables would include 22:15:04
 2 those, correct? 22:15:06
 3 MS. HEDVAT: Objection, form. 22:15:06
 4 A. Yes, on many, for instance, Microsoft 22:15:07
 5 systems in the exe file, the notes that it's 22:15:09
 6 an executable in the sense that it contains 22:15:15
 7 computer instructions and could be run on 22:15:17
 8 the destination computer. 22:15:19
 9 Q. Do you know when .exe files first existed? 22:15:20
 10 A. No. I'd have to look that up. 22:15:25
 11 Q. Did they exist while you were in school? 22:15:36
 12 MS. HEDVAT: Objection, form. 22:15:38
 13 A. I honestly cannot recall if they were 22:15:39
 14 labeled as .exe files. That was a long time 22:15:43
 15 ago, both in terms of my memory and back in 22:15:48
 16 the day of how they worked. For instance, 22:15:52
 17 when I was a kid I was working at Microsoft 22:16:00
 18 when they were developing the early versions 22:16:04
 19 of Windows, which is what I associate with 22:16:06
 20 exe files. I also would have to go back and 22:16:09
 21 check. Exe files I assume has some long 22:16:12
 22 form of history. Their format or what they 22:16:21
 23 include might have changed. I'd have to go 22:16:22
 24 back to look to see and sort of clarify or 22:16:25

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22:46:15
 22:46:24
 22:46:25
 22:46:30
 22:46:35
 22:46:53
 22:46:55
 22:46:59
 22:47:02
 22:47:03
 22:47:07
 22:47:16
 22:47:19
 22:47:24
 22:47:28
 22:47:28
 22:48:08
 22:48:12
 22:48:15
 22:48:21
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 22:48:28
 22:48:32
 22:48:34

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